

MAINE STATE LEGISLATURE

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Senate Legislative Record
One Hundred and Eighteenth Legislature
State of Maine

Volume 2

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May 20, 1997 to June 20, 1997

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Pages 981 - 1977

**STATE OF MAINE
ONE HUNDRED AND EIGHTEENTH LEGISLATURE
SECOND REGULAR SESSION
JOURNAL OF THE SENATE**

In Senate Chamber
Monday
March 2, 1998

Senate called to order by Secretary Joy J. O'Brien of Portland.

The Senator from Cumberland, Senator **RAND**, was appointed to serve as President Pro Tem for Today's Session.

The Secretary requested the Sergeant-at-Arms escort the Senator from Cumberland, Senator **RAND** to the Rostrum where she assumed the duties as President Pro Tem.

The Senate called to order by the President Pro Tem.

Prayer by Father Louis Phillips of the Oblate Retreat House in Augusta.

FATHER LOUIS PHILLIPS: God of all creation, the heavens proclaim Your glory, and the skies Your wonders. As this day begins, we celebrate the brilliance of Your love which dispels the darkness of fear and oppression. Bless these chambers and all who serve here. Grant that all the activities that take place here today will build up a spirit of community among us, promote true justice and lasting peace, and lead to the well-being of all our citizens. Guide our hearts and open our eyes to the needs of Your children. Loving God, we praise You now and forever. Amen.

Pledge of Allegiance led by Senator Philip E. Harriman of Cumberland County.

Reading of the Journal of Thursday, February 26, 1998.

Off Record Remarks

PAPERS FROM THE HOUSE

House Papers

Bill "An Act to Create the Kennebec Regional Development Authority" (EMERGENCY) H.P. 1612 L.D. 2238

Comes from the House, **REFERRED** to the Committee on **BUSINESS AND ECONOMIC DEVELOPMENT** and ordered printed.

REFERRED to the Committee on **BUSINESS AND ECONOMIC DEVELOPMENT** and ordered printed, in concurrence.

COMMUNICATIONS

The Following Communication: S.C. 564

**STATE OF MAINE
ONE HUNDRED AND EIGHTEENTH LEGISLATURE
COMMITTEE ON EDUCATION AND CULTURAL AFFAIRS**

February 25, 1998

The Honorable Mark W. Lawrence
President of the Senate of Maine
118th Maine Legislature
State House
Augusta, Maine 04333-0003

Dear Mr. President:

In accordance with 3 M.R.S.A., Section 157, and with Joint Rule 505 of the 118th Maine Legislature, the Joint Standing Committee on Education and Cultural Affairs has had under consideration the nomination of James W. Donovan of Cape Elizabeth, for reappointment as a Member of the Maine Technical College System, Board of Trustees.

After public hearing and discussion on this nomination, the Committee proceeded to vote on the motion to recommend to the Senate that this nomination be confirmed. The Committee Clerk called the roll with the following result:

YEAS:	Senators:	2	Pendleton of Cumberland, Small of Sagadahoc
	Representatives:	9	Richard of Madison, Brennan of Portland, Desmond of Mapleton, Skoglund of St. George, Watson of Farmingdale, Barth of Bethel, McElroy of Unity, Stedman of Hartland, Belanger of Caribou

NAYS: 0

ABSENT: 2 Sen. Cathcart of Penobscot, Rep. Baker of Bangor

Eleven members of the Committee having voted in the affirmative and none in the negative, it was the vote of the Committee that the nomination of James W. Donovan of Cape Elizabeth, for reappointment as a Member of the Maine Technical College System, Board of Trustees be confirmed.

Signed,

S/Peggy A. Pendleton
Senate Chair

S/Shirley K. Richard
House Chair

READ and ORDERED PLACED ON FILE.

The Chair noted the absence of the Senator from York, Senator **LAFOUNTAIN**, and further excused the same Senator from today's Roll Call votes.

The President laid before the Senate the following: "Shall the recommendation of the Committee on **EDUCATION AND CULTURAL AFFAIRS** be overridden?"

In accordance with 3 M.R.S.A., Chapter 6, Section 151 and with Joint Rule 506 of the 118th Legislature, the vote was taken by the Yeas and Nays.

The Doorkeepers secured the Chamber.

The Secretary opened the vote.

ROLL CALL

YEAS: Senators: None

NAYS: Senators: ABROMSON, AMERO, BENNETT, BENOIT, CAREY, CASSIDY, CATHCART, CLEVELAND, DAGGETT, FERGUSON, GOLDTHWAIT, HALL, HARRIMAN, KIEFFER, KILKELLY, LONGLEY, MACKINNON, MICHAUD, MILLS, MITCHELL, MURRAY, NUTTING, O'GARA, PARADIS, PENDLETON, PINGREE, RUHLIN, SMALL, TREAT, THE PRESIDENT PRO TEM - ANNE M. RAND

ABSENT: Senators: BUTLAND, JENKINS, LAWRENCE, LIBBY

EXCUSED: Senator: LAFOUNTAIN

No Senators having voted in the affirmative and 30 Senators having voted in the negative, with 4 Senators being absent and 1 Senator being excused, and none being less than two-thirds of the Membership present it was the vote of the Senate that the Committee's recommendation be **ACCEPTED** and nomination of **James W. Donovan** for reappointment as a Member of the Maine Technical College System, Board of Trustees was **CONFIRMED**.

The Secretary has so informed the Speaker of the House.

The Following Communication: S.C. 565

**STATE OF MAINE
ONE HUNDRED AND EIGHTEENTH LEGISLATURE
COMMITTEE ON EDUCATION AND CULTURAL AFFAIRS**

February 26, 1998

The Honorable Mark W. Lawrence
President of the Senate of Maine
118th Maine Legislature
State House
Augusta, Maine 04333-0003

Dear Mr. President:

In accordance with 3 M.R.S.A., Section 157, and with Joint Rule 505 of the 118th Maine Legislature, the Joint Standing Committee on Education and Cultural Affairs has had under consideration the nomination of Jana LaPoint of Falmouth, for reappointment as a Member of the Maine Technical College System, Board of Trustees.

After public hearing and discussion on this nomination, the Committee proceeded to vote on the motion to recommend to the Senate that this nomination be confirmed. The Committee Clerk called the roll with the following result:

YEAS:	Senators:	2	Pendleton of Cumberland, Small of Sagadahoc
	Representatives:	9	Richard of Madison, Brennan of Portland, Desmond of Mapleton, Skoglund of St. George, Watson of Farmingdale, Barth of Bethel, McElroy of Unity, Stedman of Hartland, Belanger of Caribou
NAYS:		0	
ABSENT:		2	Sen. Cathcart of Penobscot, Rep. Baker of Bangor

Eleven members of the Committee having voted in the affirmative and none in the negative, it was the vote of the Committee that the nomination of Jana LaPoint of Falmouth, for reappointment as a Member of Maine Technical College System, Board of Trustees be confirmed.

Signed,

S/Peggy A. Pendleton
Senate Chair

S/Shirley K. Richard
House Chair

READ and ORDERED PLACED ON FILE.

The President laid before the Senate the following: "Shall the recommendation of the Committee on **EDUCATION AND CULTURAL AFFAIRS** be overridden?"

In accordance with 3 M.R.S.A., Chapter 6, Section 151 and with Joint Rule 506 of the 118th Legislature, the vote was taken by the Yeas and Nays.

The Doorkeepers secured the Chamber.

The Secretary opened the vote.

ROLL CALL

Watson of Farmingdale,
Barth of Bethel, McElroy of
Unity, Stedman of Hartland,
Belanger of Caribou

YEAS: Senators: None

NAYS: Senators: ABROMSON, AMERO, BENNETT,
BENOIT, CAREY, CASSIDY, CATHCART,
CLEVELAND, DAGGETT, FERGUSON,
GOLDTHWAIT, HALL, HARRIMAN, KIEFFER,
KILKELLY, LONGLEY, MACKINNON,
MICHAUD, MILLS, MITCHELL, MURRAY,
NUTTING, O'GARA, PARADIS, PENDLETON,
PINGREE, RUHLIN, SMALL, TREAT, THE
PRESIDENT PRO TEM - ANNE M. RAND

NAYS: 0

ABSENT: 3 Sen. Cathcart of Penobscot,
Rep. Brennan of Portland,
Rep. Baker of Bangor

ABSENT: Senators: BUTLAND, JENKINS, LAWRENCE,
LIBBY

EXCUSED: Senator: LAFOUNTAIN

Ten members of the Committee having voted in the affirmative and none in the negative, it was the vote of the Committee that the nomination of Stephen Graebert of Holden, for reappointment as a Member of the Maine Technical College System, Board of Trustees be confirmed.

Signed,

No Senators having voted in the affirmative and 30 Senators having voted in the negative, with 4 Senators being absent and 1 Senator being excused, and none being less than two-thirds of the Membership present it was the vote of the Senate that the Committee's recommendation be **ACCEPTED** and nomination of **Jana LaPoint** for reappointment as a Member of Maine Technical College System, Board of Trustees was **CONFIRMED**.

S/Peggy A. Pendleton
Senate Chair

S/Shirley K. Richard
House Chair

READ and ORDERED PLACED ON FILE.

The President laid before the Senate the following: "Shall the recommendation of the Committee on **EDUCATION AND CULTURAL AFFAIRS** be overridden?"

The Secretary has so informed the Speaker of the House.

In accordance with 3 M.R.S.A., Chapter 6, Section 151 and with Joint Rule 506 of the 118th Legislature, the vote was taken by the Yeas and Nays.

The Following Communication: S.C. 566

The Doorkeepers secured the Chamber.

**STATE OF MAINE
ONE HUNDRED AND EIGHTEENTH LEGISLATURE
COMMITTEE ON EDUCATION AND CULTURAL AFFAIRS**

The Secretary opened the vote.

ROLL CALL

February 25, 1998

YEAS: Senators: None

The Honorable Mark W. Lawrence
President of the Senate of Maine
118th Maine Legislature
State House
Augusta, Maine 04333-0003

NAYS: Senators: ABROMSON, AMERO, BENNETT,
BENOIT, CAREY, CASSIDY, CATHCART,
CLEVELAND, DAGGETT, FERGUSON,
GOLDTHWAIT, HALL, HARRIMAN, KIEFFER,
KILKELLY, LONGLEY, MACKINNON,
MICHAUD, MILLS, MITCHELL, MURRAY,
NUTTING, O'GARA, PARADIS, PENDLETON,
PINGREE, RUHLIN, SMALL, TREAT, THE
PRESIDENT PRO TEM - ANNE M. RAND

Dear Mr. President:

ABSENT: Senators: BUTLAND, JENKINS, LAWRENCE,
LIBBY

In accordance with 3 M.R.S.A., Section 157, and with Joint Rule 505 of the 118th Maine Legislature, the Joint Standing Committee on Education and Cultural Affairs has had under consideration the nomination of Stephen Graebert of Holden, for reappointment as a Member of the Maine Technical College System, Board of Trustees.

EXCUSED: Senator: LAFOUNTAIN

After public hearing and discussion on this nomination, the Committee proceeded to vote on the motion to recommend to the Senate that this nomination be confirmed. The Committee Clerk called the roll with the following result:

YEAS: Senators: 2 Pendleton of Cumberland,
Small of Sagadahoc

Representatives: 8 Richard of Madison,
Desmond of Mapleton,
Skoglund of St. George,

No Senators having voted in the affirmative and 30 Senators having voted in the negative, with 4 Senators being absent and 1 Senator being excused, and none being less than two-thirds of the Membership present it was the vote of the Senate that the Committee's recommendation be **ACCEPTED** and nomination of **Stephen Graebert** for reappointment as a Member of the Maine Technical College System, Board of Trustees was **CONFIRMED**.

The Secretary has so informed the Speaker of the House.

The Following Communication: S.C. 567

**STATE OF MAINE
ONE HUNDRED AND EIGHTEENTH LEGISLATURE
COMMITTEE ON EDUCATION AND CULTURAL AFFAIRS**

February 25, 1998

The Honorable Mark W. Lawrence
President of the Senate of Maine
118th Maine Legislature
State House
Augusta, Maine 04333-0003

Dear Mr. President:

In accordance with 3 M.R.S.A., Section 157, and with Joint Rule 505 of the 118th Maine Legislature, the Joint Standing Committee on Education and Cultural Affairs has had under consideration the nomination of Elizabeth O. Shorr of Portland, for reappointment as a Member of the Maine Technical College System, Board of Trustees.

After public hearing and discussion on this nomination, the Committee proceeded to vote on the motion to recommend to the Senate that this nomination be confirmed. The Committee Clerk called the roll with the following result:

- YEAS: Senators: 2 Pendleton of Cumberland, Small of Sagadahoc
- Representatives: 8 Richard of Madison, Brennan of Portland, Desmond of Mapleton, Skoglund of St. George, Watson of Farmingdale, Barth of Bethel, Stedman of Hartland, Belanger of Caribou
- NAYS: 0
- ABSENT: 3 Sen. Cathcart of Penobscot, Rep. Baker of Bangor, Rep. McElroy of Unity

Ten members of the Committee having voted in the affirmative and none in the negative, it was the vote of the Committee that the nomination of Elizabeth O. Shorr of Portland, for reappointment as a Member of the Maine Technical College System, Board of Trustees be confirmed.

Signed,

S/Peggy A. Pendleton
Senate Chair

S/Shirley K. Richard
House Chair

READ and ORDERED PLACED ON FILE.

The President laid before the Senate the following: "Shall the recommendation of the Committee on **EDUCATION AND CULTURAL AFFAIRS** be overridden?"

In accordance with 3 M.R.S.A., Chapter 6, Section 151 and with Joint Rule 506 of the 118th Legislature, the vote was taken by the Yeas and Nays.

The Doorkeepers secured the Chamber.

The Secretary opened the vote.

ROLL CALL

- YEAS: Senators: None
- NAYS: Senators: ABROMSON, AMERO, BENNETT, BENOIT, CAREY, CASSIDY, CATHCART, CLEVELAND, DAGGETT, FERGUSON, GOLDTHWAIT, HALL, HARRIMAN, KIEFFER, KILKELLY, LONGLEY, MACKINNON, MICHAUD, MILLS, MITCHELL, MURRAY, NUTTING, O'GARA, PARADIS, PENDLETON, PINGREE, RUHLIN, SMALL, TREAT, THE PRESIDENT PRO TEM - ANNE M. RAND
- ABSENT: Senators: BUTLAND, JENKINS, LAWRENCE, LIBBY
- EXCUSED: Senator: LAFOUNTAIN

No Senators having voted in the affirmative and 30 Senators having voted in the negative, with 4 Senators being absent and 1 Senator being excused, and none being less than two-thirds of the Membership present it was the vote of the Senate that the Committee's recommendation be **ACCEPTED** and nomination of **Elizabeth O. Shorr** for reappointment as a Member of the Maine Technical College System, Board of Trustees was **CONFIRMED**.

The Secretary has so informed the Speaker of the House.

The Following Communication: S.C. 568

**STATE OF MAINE
ONE HUNDRED AND EIGHTEENTH LEGISLATURE
COMMITTEE ON BANKING AND INSURANCE**

February 24, 1998

Honorable Mark W. Lawrence, President of the Senate
Honorable Elizabeth H. Mitchell, Speaker of the House
118th Maine Legislature
State House
Augusta, Maine 04333

Dear President Lawrence and Speaker Mitchell:

Pursuant to Joint Rule 310, we are writing to notify you that the Joint Standing Committee on Banking and Insurance has voted unanimously to report the following bill out "Ought Not to Pass":

- L.D. 2130 An Act Relating to Unfair Practices in the Provision of Goods and Services Paid for by Insurance Claims

We have also notified the sponsor and cosponsors of the Committee's action.

Sincerely,

S/Sen. Lloyd P. LaFountain III
Senate Chair

S/Rep. Jane W. Saxl
House Chair

READ and with accompanying papers **ORDERED PLACED ON FILE.**

The Following Communication: S.C. 569

**STATE OF MAINE
ONE HUNDRED AND EIGHTEENTH LEGISLATURE
COMMITTEE ON CRIMINAL JUSTICE**

February 24, 1998

Honorable Mark W. Lawrence, President of the Senate
Honorable Elizabeth H. Mitchell, Speaker of the House
118th Maine Legislature
State House
Augusta, Maine 04333

Dear President Lawrence and Speaker Mitchell:

Pursuant to Joint Rule 310, we are writing to notify you that the Joint Standing Committee on Criminal Justice has voted unanimously to report the following bills out "Ought Not to Pass":

- L.D. 862 Resolve, to Establish a Commission to Examine the Laws Pertaining to Juvenile Offenders
- L.D. 1952 An Act to Increase Penalties for Certain Sex Offenders
- L.D. 2033 An Act to Create the Sex Offender Registration and Notification Act of 1998
- L.D. 2080 An Act to Enhance the Bail Requirements for Persons Charged with Murder

We have also notified the sponsors and cosponsors of each bill listed of the Committee's action.

Sincerely,

S/Sen. Robert E. Murray, Jr.
Senate Chair

S/Rep. Edward J. Povich
House Chair

READ and with accompanying papers **ORDERED PLACED ON FILE.**

The Following Communication: S.C. 570

**STATE OF MAINE
ONE HUNDRED AND EIGHTEENTH LEGISLATURE
COMMITTEE ON EDUCATION AND CULTURAL AFFAIRS**

February 24, 1998

Honorable Mark W. Lawrence, President of the Senate
Honorable Elizabeth H. Mitchell, Speaker of the House
118th Maine Legislature
State House
Augusta, Maine 04333

Dear President Lawrence and Speaker Mitchell:

Pursuant to Joint Rule 310, we are writing to notify you that the Joint Standing Committee on Education and Cultural Affairs has voted unanimously to report the following bills out "Ought Not to Pass":

- L.D. 1544 An Act to Amend the Process by Which School Construction Is Approved
- L.D. 1967 An Act to Allow for Greater Efficiency in School Construction

We have also notified the sponsors and cosponsors of each bill listed of the Committee's action.

Sincerely,

S/Sen. Peggy A. Pendleton
Senate Chair

S/Rep. Shirley K. Richard
House Chair

READ and with accompanying papers **ORDERED PLACED ON FILE.**

The Following Communication: S.C. 571

**STATE OF MAINE
ONE HUNDRED AND EIGHTEENTH LEGISLATURE
COMMITTEE ON JUDICIARY**

February 24, 1998

Honorable Mark W. Lawrence, President of the Senate
Honorable Elizabeth H. Mitchell, Speaker of the House
118th Maine Legislature
State House
Augusta, Maine 04333

Dear President Lawrence and Speaker Mitchell:

Pursuant to Joint Rule 310, we are writing to notify you that the Joint Standing Committee on Judiciary has voted unanimously to report the following bills out "Ought Not to Pass":

- L.D. 1193 An Act to Permit a Suit Against an Employer Who Knowingly Places a Worker at Risk of Serious Bodily Injury or Death
- L.D. 2067 An Act to Prevent Employment Discrimination Due to Medical History

We have also notified the sponsors and cosponsors of each bill listed of the Committee's action.

Sincerely,

S/Sen. Susan W. Longley
Senate Chair

S/Rep. Richard H. Thompson
House Chair

READ and with accompanying papers ORDERED PLACED ON FILE.

The Following Communication: S.C. 572

**STATE OF MAINE
ONE HUNDRED AND EIGHTEENTH LEGISLATURE
COMMITTEE ON LABOR**

February 24, 1998

Honorable Mark W. Lawrence, President of the Senate
Honorable Elizabeth H. Mitchell, Speaker of the House
118th Maine Legislature
State House
Augusta, Maine 04333

Dear President Lawrence and Speaker Mitchell:

Pursuant to Joint Rule 310, we are writing to notify you that the Joint Standing Committee on Labor has voted unanimously to report the following bills out "Ought Not to Pass":

- L.D. 688 An Act to Increase Maine's Minimum Wage
- L.D. 1457 An Act to Extend the Period for Payment of Workers' Compensation Benefits
- L.D. 1999 An Act Requiring the State to Pay a Portion of the Health Insurance Premium for Dependents of Retired State Employees

We have also notified the sponsors and cosponsors of each bill listed of the Committee's action.

Sincerely,

S/Sen. Mary R. Cathcart
Senate Chair

S/Rep. Pamela H. Hatch
House Chair

READ and with accompanying papers ORDERED PLACED ON FILE.

The Following Communication: S.C. 573

**STATE OF MAINE
ONE HUNDRED AND EIGHTEENTH LEGISLATURE
COMMITTEE ON LEGAL AND VETERANS AFFAIRS**

February 24, 1998

Honorable Mark W. Lawrence, President of the Senate
Honorable Elizabeth H. Mitchell, Speaker of the House
118th Maine Legislature
State House
Augusta, Maine 04333

Dear President Lawrence and Speaker Mitchell:

Pursuant to Joint Rule 310, we are writing to notify you that the Joint Standing Committee on Legal and Veterans Affairs has voted unanimously to report the following bills out "Ought Not to Pass":

- L.D. 2054 An Act to Make Voting Places Handicapped Accessible
- L.D. 2165 An Act to Promote the Expansion of Pari-mutuel Simulcast Wagering

We have also notified the sponsors and cosponsors of each bill listed of the Committee's action.

Sincerely,

S/Sen. Beverly C. Daggett
Senate Chair

S/Rep. John L. Tuttle, Jr.
House Chair

READ and with accompanying papers ORDERED PLACED ON FILE.

The Following Communication: S.C. 574

**STATE OF MAINE
ONE HUNDRED AND EIGHTEENTH LEGISLATURE
COMMITTEE ON TAXATION**

February 24, 1998

Honorable Mark W. Lawrence, President of the Senate
Honorable Elizabeth H. Mitchell, Speaker of the House
118th Maine Legislature
State House
Augusta, Maine 04333

Dear President Lawrence and Speaker Mitchell:

Pursuant to Joint Rule 310, we are writing to notify you that the Joint Standing Committee on Taxation has voted unanimously to report the following bills out "Ought Not to Pass":

- L.D. 1820 An Act to Establish a Penalty on Gains from the Sale or Exchange of Land from Which Timber Has Been Harvested
- L.D. 1909 An Act to Ensure That Temporary Structure Property Is Subject to Taxation
- L.D. 2019 An Act to Exempt the Lessee Who Purchases a Vehicle from Further Sales Tax on That Vehicle

We have also notified the sponsors and cosponsors of each bill listed of the Committee's action.

Sincerely,

S/Sen. Richard P. Ruhlín
Senate Chair

S/Rep. Verdi L. Tripp
House Chair

READ and with accompanying papers **ORDERED PLACED ON FILE.**

The Following Communication: S.C. 575

**STATE OF MAINE
ONE HUNDRED AND EIGHTEENTH LEGISLATURE
COMMITTEE ON TRANSPORTATION**

February 24, 1998

Honorable Mark W. Lawrence, President of the Senate
Honorable Elizabeth H. Mitchell, Speaker of the House
118th Maine Legislature
State House
Augusta, Maine 04333

Dear President Lawrence and Speaker Mitchell:

Pursuant to Joint Rule 310, we are writing to notify you that the Joint Standing Committee on Transportation has voted unanimously to report the following bills out "Ought Not to Pass":

L.D. 2150 An Act to Create a Maine Children's Trust Fund Registration Plate

L.D. 2193 An Act to Allow Tow Trucks on Posted Roads

We have also notified the sponsors and cosponsors of each bill listed of the Committee's action.

Sincerely,

S/Sen. William B. O'Gara
Senate Chair

S/Rep. Joseph D. Driscoll
House Chair

READ and with accompanying papers **ORDERED PLACED ON FILE.**

The Following Communication: S.C. 576

**UNIVERSITY OF MAINE SYSTEM
OFFICE OF THE CHANCELLOR
107 MAINE AVENUE
BANGOR, MAINE 04401-4380**

February 26, 1998

The Honorable Mark W. Lawrence
President of the Senate
3 State House Station
Augusta, Maine 04333

Dear President Lawrence:

Pursuant to Title 10, Section 948, Subsection F, attached please find a report on the \$500,000 appropriation to implement the Maine Economic Improvement Strategy.

As shown, the \$500,000 appropriation generated \$3.3 million in Federal research support. If additional information is desired, please do not hesitate to call.

Sincerely,

S/Terrence MacTaggart
Chancellor

READ and with accompanying papers **ORDERED PLACED ON FILE.**

SENATE PAPERS

Bill "An Act to Enter into the Emergency Management Assistance Compact" S.P. 836 L.D. 2242

Presented by Senator PINGREE of Knox. (GOVERNOR'S BILL)

Cosponsored by Representative WINGLASS of Auburn and Senators LAFOUNTAIN of York, LONGLEY of Waldo, NUTTING of Androscoggin, TREAT of Kennebec, Representatives KONTOS of Windham, LINDAHL of Northport, NICKERSON of Turner, WINSOR of Norway.

REFERRED to the Committee on **LEGAL AND VETERANS AFFAIRS** and ordered printed.

Sent down for concurrence.

Bill "An Act to Encourage Accountability and Return on Investment for Maine Taxpayers from Economic Development Initiatives" S.P. 837 L.D. 2243

Presented by Senator PINGREE of Knox.

Cosponsored by Speaker MITCHELL of Vassalboro and Senators CASSIDY of Washington, DAGGETT of Kennebec, President LAWRENCE of York, Senator RUHLIN of Penobscot, Representatives GAGNON of Waterville, GREEN of Monmouth, LEMONT of Kittery, TRIPP of Topsham. Approved for introduction by a majority of the Legislative Council pursuant to Joint Rule 203.

REFERRED to the Committee on **TAXATION** and ordered printed.

Sent down for concurrence.

REPORTS OF COMMITTEES

House

Ought to Pass As Amended

From the Committee on **NATURAL RESOURCES** on Bill "An Act to Clarify Certain Laws Pertaining to the Department of Environmental Protection, Bureau of Land and Water Quality"
H.P. 1493 L.D. 2092

Reported that the same **Ought to Pass As Amended by Committee Amendment "A" (H-812)**.

Comes from the House with the Report **READ** and **ACCEPTED** and the Bill **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-812)**.

Report **READ** and **ACCEPTED**, in concurrence.

READ ONCE.

Committee Amendment "A" (H-812) **READ** and **ADOPTED**, in concurrence.

TOMORROW ASSIGNED FOR SECOND READING.

Divided Report

Majority of the Committee on **EDUCATION AND CULTURAL AFFAIRS** on Bill "An Act to Abolish the State Board of Education"
H.P. 1176 L.D. 1653

Reported that the same **Ought Not to Pass**.

Signed:

Senators:

PENDLETON of Cumberland
CATHCART of Penobscot
SMALL of Sagadahoc

Representatives:

RICHARD of Madison
BRENNAN of Portland
DESMOND of Mapleton
SKOGLUND of St. George
WATSON of Farmingdale
BAKER of Bangor
MCELROY of Unity
BELANGER of Caribou

Minority of the same Committee on the same subject reported that the same **Ought to Pass**.

Signed:

Representatives:

BARTH of Bethel
STEDMAN of Hartland

Comes from the House with the Majority **OULD NOT TO PASS** Report **READ** and **ACCEPTED**.

Reports **READ**.

On motion by Senator **PENDLETON** of Cumberland, the Majority **OULD NOT TO PASS** Report **ACCEPTED**, in concurrence.

Divided Report

Majority of the Committee on **STATE AND LOCAL GOVERNMENT** on Bill "An Act to Amend the Membership Requirement for the Cumberland County Budget Advisory Committee"
H.P. 1388 L.D. 1941

Reported that the same **Ought to Pass as Amended by Committee Amendment "A" (H-811)**.

Signed:

Senators:

NUTTING of Androscoggin
GOLDTHWAIT of Hancock
LIBBY of York

Representatives:

AHEARNE of Madawaska
LEMKE of Westbrook
DUTREMBLE of Biddeford
BAGLEY of Machias
SANBORN of Alton
GIERINGER of Portland
BUMPS of China
FISK of Falmouth
KASPRZAK of Newport

Minority of the same Committee on the same subject reported that the same **Ought to Pass**.

Signed:

Representative:

GERRY of Auburn

Comes from the House with the Majority **OULD TO PASS AS AMENDED** Report **READ** and **ACCEPTED** and the Bill **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-811)**.

Reports **READ**.

On motion by Senator **NUTTING** of Androscoggin, the Majority **OULD TO PASS AS AMENDED** Report **ACCEPTED**, in concurrence.

READ ONCE.

Committee Amendment "A" (H-811) **READ** and **ADOPTED**, in concurrence.

TOMORROW ASSIGNED FOR SECOND READING.

Divided Report

Majority of the Committee on **TAXATION** on Bill "An Act Regarding the Taxation of Goods Purchased in Connection with the Operation of a High-stakes Beano or High-Stakes Bingo Game" H.P. 1307 L.D. 1855

Reported that the same **Ought Not to Pass**.

Signed:

Senators:

DAGGETT of Kennebec
MILLS of Somerset

Representatives:

GREEN of Monmouth
ROWE of Portland
MORGAN of South Portland
LEMONT of Kittery
BUCK of Yarmouth
CIANCHETTE of South Portland

Minority of the same Committee on the same subject reported that the same **Ought to Pass as Amended by Committee Amendment "B" (H-810)**.

Signed:

Senator:

RUHLIN of Penobscot

Representatives:

TRIPP of Topsham
TUTTLE of Sanford
GAGNON of Waterville
SPEAR of Nobleboro

Comes from the House with the Minority **OUGHT TO PASS AS AMENDED** Report **READ** and **ACCEPTED** and the Bill **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "B" (H-810)**.

Reports **READ**.

Senator **RUHLIN** of Penobscot moved the Senate **ACCEPT** the Minority **OUGHT TO PASS AS AMENDED** Report, in concurrence.

On further motion by same Senator, **TABLED** until Later in Today's Session, pending motion by same Senator to **ACCEPT** the Minority **OUGHT TO PASS AS AMENDED** Report, in concurrence.

Senate

Ought to Pass As Amended

Senator **PENDLETON** for the Committee on **EDUCATION AND CULTURAL AFFAIRS** on Bill "An Act to Provide Opportunities for Choice within the Public School System" S.P. 195 L.D. 623

Reported that the same **Ought to Pass As Amended by Committee Amendment "A" (S-472)**.

Report **READ** and **ACCEPTED**.

READ ONCE.

Committee Amendment "A" (S-472) **READ** and **ADOPTED**.

TOMORROW ASSIGNED FOR SECOND READING.

Senator **NUTTING** for the Committee on **STATE AND LOCAL GOVERNMENT** on Bill "An Act to Clarify Mileage Reimbursement for Employees of Community Action Agencies" S.P. 730 L.D. 2008

Reported that the same **Ought to Pass As Amended by Committee Amendment "A" (S-474)**.

Report **READ** and **ACCEPTED**.

READ ONCE.

Committee Amendment "A" (S-474) **READ** and **ADOPTED**.

TOMORROW ASSIGNED FOR SECOND READING.

Senator **CAREY** for the Committee on **UTILITIES AND ENERGY** on Bill "An Act to Amend the Charter of the Van Buren Light and Power District" S.P. 751 L.D. 2029

Reported that the same **Ought to Pass As Amended by Committee Amendment "A" (S-470)**.

Report **READ** and **ACCEPTED**.

READ ONCE.

Committee Amendment "A" (S-470) **READ** and **ADOPTED**.

TOMORROW ASSIGNED FOR SECOND READING.

Divided Report

Majority of the Committee on **HEALTH AND HUMAN SERVICES** on Bill "An Act to Require Tobacco Manufacturers to Disclose Ingredients Contained within Tobacco Products" S.P. 508 L.D. 1570

Reported that the same **Ought Not to Pass**.

Signed:

Senators:

PARADIS of Aroostook
MITCHELL of Penobscot

Representatives:

BROOKS of Winterport
KANE of Saco
LOVETT of Scarborough
JOYNER of Hollis
BRAGDON of Bangor
SNOW-MELLO of Poland

Minority of the same Committee on the same subject reported that the same **Ought to Pass as Amended by Committee Amendment "A" (S-473)**.

Signed:

Senator:

LONGLEY of Waldo

Representatives:

MITCHELL of Portland
FULLER of Manchester
PIEH of Bremen
QUINT of Portland

Reports **READ**.

On motion by Senator **PINGREE** of Knox, **TABLED** until Later in Today's Session, pending **ACCEPTANCE OF EITHER REPORT**.

Divided Report

Majority of the Committee on **TAXATION** on Bill "An Act to Exempt Nonprofit Ambulance and Fire Emergency Services from the State's Sales Tax" (EMERGENCY) S.P. 189 L.D. 607

Reported that the same **Ought to Pass as Amended by Committee Amendment "B" (S-476)**.

Signed:

Representatives:

TRIPP of Topsham
TUTTLE of Sanford
GREEN of Monmouth
ROWE of Portland
GAGNON of Waterville
MORGAN of South Portland
SPEAR of Nobleboro
BUCK of Yarmouth

Minority of the same Committee on the same subject reported that the same **Ought Not to Pass**.

Signed:

Senators:

RUHLIN of Penobscot
DAGGETT of Kennebec
MILLS of Somerset

Representatives:

LEMONT of Kittery
CIANCHETTE of South Portland

Reports **READ**.

Senator **RUHLIN** of Penobscot moved the Senate **ACCEPT** the Minority **OUGHT NOT TO PASS** Report.

On further motion by same Senator, **TABLED** until Later in Today's Session, pending motion by same Senator to **ACCEPT** the Minority **OUGHT NOT TO PASS** Report.

SECOND READERS

The Committee on **Bills in the Second Reading** reported the following:

House As Amended

Bill "An Act to Protect Internal Waters of the State"
H.P. 55 L.D. 80
(C "A" H-805)

Bill "An Act to Increase Health Insurance Benefits for Retired Educators"
H.P. 132 L.D. 174
(H "B" H-815)

READ A SECOND TIME and **PASSED TO BE ENGROSSED AS AMENDED**, in concurrence.

Senate As Amended

Bill "An Act to Conform the Maine Tax Laws for 1997 with the United States Internal Revenue Code" (EMERGENCY)
S.P. 683 L.D. 1908
(C "A" S-469)

READ A SECOND TIME and **PASSED TO BE ENGROSSED AS AMENDED**.

Sent down for concurrence.

Bill "An Act to Extend the Prevailing Wage Laws to the Maine Turnpike Authority"
S.P. 708 L.D. 1956
(C "A" S-463)

READ A SECOND TIME.

Senator **AMERO** of Cumberland requested a Division.

On motion by Senator **PINGREE** of Knox, **TABLED** until Later in Today's Session, pending **PASSAGE TO BE ENGROSSED AS AMENDED**. (Division Requested)

HELD BILL

On motion by Senator **CAREY** of Kennebec, under suspension of the Rules, the Senate **RECONSIDERED** whereby it **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-798)**, in concurrence:

Bill "An Act to Allow Police to Take Intoxicated Persons into Custody" H.P. 562 L.D. 753 (C "A" H-798)

(In Senate, February 26, 1998, **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-798)**, in concurrence.)

On further motion by same Senator, the Senate **SUSPENDED THE RULES.**

On further motion by same Senator, the Senate **RECONSIDERED** whereby Committee Amendment "A" (H-798) was **ADOPTED.**

On further motion by same Senator, **TABLED** Unassigned, pending **ADOPTION** of **COMMITTEE AMENDMENT "A" (H-798)**, in concurrence.

HELD BILL

On motion by Senator **TREAT** of Kennebec, under suspension of the Rules, the Senate **RECONSIDERED** whereby the following was **REFERRED** to the Committee on **HEALTH AND HUMAN SERVICES**, in concurrence:

Resolve, Regarding Legislative Review of Chapter 231: Rules Relating to Drinking Water, a Major Substantive Rule of the Department of Human Services (EMERGENCY) H.P. 1606 L.D. 2233

(In Senate, February 26, 1998, the Report **READ** and **ACCEPTED**, in concurrence and the Resolve **REFERRED** to the Committee on **HEALTH AND HUMAN SERVICES** and ordered printed pursuant to Joint Rule 218, in concurrence.)

On further motion by same Senator, **REFERRED** to the Committee on **NATURAL RESOURCES** in **NON-CONCURRENCE.**

Sent down for concurrence.

ORDERS OF THE DAY

Unfinished Business

The following matter in the consideration of which the Senate was engaged at the time of Adjournment had preference in the Orders of the Day and continued with such preference until disposed of as provided by Senate Rule 516.

The Chair laid before the Senate the following Tabled and Later (1/21/98) Assigned matter:

JOINT RESOLUTION - relative to Recognizing the Extraordinary Efforts to Alleviate Damage and Suffering Caused by the Severe Ice Storm of January 1998 and the Exemplary Conduct of the People of the State of Maine

S.P. 798

Tabled - January 21, 1998, by Senator **PINGREE** of Knox.

Pending - motion by President **LAWRENCE** of York to **ADOPT**

(In Senate, January 21, 1998, **READ.**)

On motion by the Chair, **INDEFINITELY POSTPONED.**

Off Record Remarks

Senator **TREAT** of Kennebec was granted unanimous consent to address the Senate off the Record.

Off Record Remarks

Senator **PARADIS** of Aroostook was granted unanimous consent to address the Senate off the Record.

Off Record Remarks

Senator **PINGREE** of Knox was granted unanimous consent to address the Senate off the Record.

Off Record Remarks

Senator **AMERO** of Cumberland was granted unanimous consent to address the Senate off the Record.

Off Record Remarks

On motion by the President Pro Tem, **ADJOURNED** until Tuesday, March 3, 1998, at 9:00 in the morning.